

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**CALEB CRABTREE *and*  
ADRIANE CRABTREE  
*as Assignees of the Claims of Casey Cotton***

**PLAINTIFFS**

**v.**

**CIVIL ACTION NO. 1:21-cv-399-TBM-RHWR**

**ALLSTATE PROPERTY AND CASUALTY  
INSURANCE COMPANY, et al.**

**DEFENDANTS**

**ORDER GRANTING UNOPPOSED MOTION TO WITHDRAW  
MOTION FOR JUDGMENT ON THE PLEADINGS**


This matter is before the Court on Defendant Allstate Property and Casualty Insurance (Allstate)’s Motion for Judgment on the Pleadings [10] and Unopposed Motion to Withdraw [15]. Allstate filed its Motion for Judgment on the Pleadings [10] for failure to state a claim on January 27, 2022. Since that time, the Plaintiffs filed an Amended Complaint [14]. In light of the Amended Complaint, Allstate filed an Unopposed Motion to Withdraw [15] its Motion for Judgment on the Pleadings. The Motion Withdraw states that Allstate believes that the Amended Complaint renders its Motion for Judgment on the Pleadings moot. [15], pg. 1.

As a general rule, “[a]n amended complaint supersedes the original complaint and renders it of no legal effect unless the amended complaint specifically refers to and adopts or incorporates by reference the earlier pleading.” *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994). Allstate’s request to withdraw its Motion for Judgment on the Pleadings is well-taken and granted. The Motion for Judgment on the Pleadings [10] is denied without prejudice as moot.

IT IS THEREFORE ORDERED AND ADJUDGED that, for the reasons stated above, Allstate's Unopposed Motion to Withdraw is GRANTED.

IT IS FURTHER ORDERED AND ADJUDGED that Allstate's Motion for Judgment on the Pleadings [10] is DENIED WITHOUT PREJUDICE.

This, the 9th day of February, 2022.

  
TAYLOR B. McNEEL  
UNITED STATES DISTRICT JUDGE